

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44745 of 2014

Arising Out of PS.Case No. -21 Year- 2012 Thana -NANPUR District- SITAMARHI

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Shahnawaz Alam son of Mumtaz Ahmad Resident of village - Paktola, P.S. Nanpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharbate Gulnaz W/o Shahnawaz Alam, Resident of village – Paktola, P.S. Nanpur, District – Sitamarhi, presently living at village – Ketharia, P.S. Dumra, District – Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 03-04-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

Notices were issued to the informant-opposite party no. 2 vide order dated 17.12.2014 on submission of learned counsel for the petitioner that the petitioner is ready to keep the

informant as wife with full dignity and honour. Statement to that effect has been made in para 7 of the petition, which reads as follows:- **“That the petitioner is an ideal husband and he is always ready to keep the informant with respect and dignity with her two daughters.”** The marriage between the petitioner and the informant and birth of two female children are admitted facts.

It is submitted by learned counsel for the petitioner that the petitioner works at Mumbai. The opposite party no. 2-informant is present in the Court and is ready to accept the offer of the petitioner provides he keeps her at his place of work with him. The petitioner is ready to do so.

The aforesaid undertaking does not mean that the informant will never visit or resides at the native place of the petitioner.

Both sides agree to appear before the learned court below on 4th of May, 2015 when the petitioner will take the informant and the children to keep them with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the

learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 21 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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